IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 2301 OF 2007

Date:14.08.2007

BETWEEN:

Smt. K. Sangamma

…. PETITIONER

And

1. The Station House Officer, Marpally Police Station, at Marpally (V & M), R.R. District and another.

…. RESPONDENTS

ORDER:

This writ petition is filed for issuance of Writ of Mandamus to declare the action of the first respondent in not properly investigating into Crime No.52 of 2006 and Crime No.3 of 2007 registered against the second respondent for the offences punishable under Sections 447 and 427 IPC and not filing charge sheet against the second respondent as illegal and arbitrary and to direct the first respondent to complete the investigation and file charge sheet against the second respondent.

The petitioner and the second respondent are inter-related and there were some civil disputes between them. Alleging that the second respondent has highhandedly trespassed into the land of the petitioner and destroyed the standing crop thereon, the petitioner lodged a complaint before the first respondent. Since the first respondent failed to register the crime, he filed W.P.No.12006 of 2006. On the instruction of this Court the first respondent registered Crime No.52 of 2006, but failed to file charge sheet. Thereupon, when the second respondent again trespassed into his land, the petitioner again filed a complaint before the first respondent, which was registered as Crime No.3 of 2007. It is the case of the petitioner that though Crime Nos.52 of 2006 and 3 of 2007 have been registered against the second respondent, no investigation has been done so far. Hence, the writ petition.

The first respondent filed counter affidavit stating that he

has completed the investigation in Crime No.52 of 2006, which clearly discloses that the husband of the complainant and the accused Jagannadham are own brothers and are having joint property; that there are disputes between them for division of property; and that there is no evidence that the accused committed the offence. It is also stated that the first respondent is sending proposals to the Sub-Divisional Police Officer, Vikarabad seeking permission to refer the complaint of the petitioner as civil nature. While so, the petitioner again lodged a complaint on 5.01.2007 on the basis of which Crime No.3 of 2007 for the offences under Section 447 and 427 IPC was registered, investigated into and a charge sheet was also filed on 1.03.2007 before the Court of the Judicial First Class Magistrate, Vikarabad, Ranga Reddy District.

Having regard to the same, the Writ Petition is disposed of directing the first respondent to issue notice to the petitioner stating that Crime No.52 of 2006 is civil in nature, so as to enable the petitioner to file protest application to take appropriate action. No costs.

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(V. ESWARAIAH, J.)

14th August, 2007
Js.